

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2025 APR 28 AM 9:23

Jay Patel,

Plaintiff,

v.

Kika Scott, Senior Official Performing the  
Duties of the Director of USCIS,

Defendant.

CLERK  
BY SJP  
DEPUTY CLERK

Case No. 2:24-cv-1239

**ORDER OF DISMISSAL**

A review of the docket in this case reveals the following:

1. On November 25, 2024, Plaintiff filed a Complaint against the Director of the United States Citizenship and Immigration Services. Plaintiff paid the filing fee and filed a Notice of Pro Se Appearance.
2. On March 13, 2025, the court ordered Plaintiff to file proof of timely service or to show good cause for the failure to serve process on or before April 18, 2025. Plaintiff was warned that if they “should fail to respond, the case must be dismissed under Rule 4(m).” (Doc. 3 at 2.)
3. No further filings have been received as of the date of this Order.

Federal Rule of Civil Procedure 4(m) states that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Rule 4(l)(1) requires proof of service of the summons be made to the court.

On March 13, 2025, over ninety days after the Complaint was filed, Plaintiff was ordered to file proof of timely service or to show good cause for the failure to serve Defendant. Plaintiff was warned that, should they fail to respond, the case must be dismissed.

Because this case was filed five months ago, Plaintiff has failed to provide proof of timely service as to Defendant, and Plaintiff has not filed a response to the March 13, 2025 Order demonstrating proof of service or good cause for the failure to timely serve Defendant, this case must be DISMISSED WITHOUT PREJUDICE under Rule 4(m).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 24<sup>th</sup> day of April, 2025.

/s/ Geoffrey W. Crawford

District Judge

United States District Court